

SENATE BILL No. 411

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-10; IC 3-11; IC 3-12-1-9.5; IC 20-4-1-26.4; IC 33-2.1-2-6; IC 33-4-4-1; IC 33-5; IC 33-5.1-2-8; IC 33-10.5-4-2.

Synopsis: Ballot form. Establishes a ballot form that lists candidates by office for optical scan and electronic voting systems.

Effective: Upon passage.

Lawson C

January 12, 2004, read first time and referred to Committee on Elections and Civic Affairs.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 411

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-8.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 8.7. "Chad" means the part of a ballot card**
4 **that indicates a vote on the card when entirely punched out by the**
5 **voter.**

6 SECTION 2. IC 3-5-2-34.7 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: **Sec. 34.7. (a) "Paper ballot" refers to a ballot**
9 **that is:**

10 **(1) marked by a voter using a pen or pencil; and**

11 **(2) designed to be counted by hand and not counted on an**
12 **automatic tabulating machine.**

13 **(b) "Paper ballot" does not include a ballot card.**

14 SECTION 3. IC 3-10-1-13, AS AMENDED BY P.L.66-2003,
15 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: **Sec. 13. (a) The primary election paper ballots,**
17 **and ballot cards, and ballot labels of each political party must be of**



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uniform size and of the same quality paper as the paper ballots, ~~and~~ ballot cards, **and ballot labels** used at the general election.

(b) The paper ballots and ballot cards must be distinctively marked or be of a different color so that the ballots of each party are easily distinguishable.

(c) **This subsection applies to all voting systems.** All the candidates representing one (1) party shall be placed on one (1) ticket with the name of the party placed at the top **or beginning of the ballot** in the form prescribed by section 19 of this chapter.

SECTION 4. IC 3-10-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Each political party holding a primary election shall have a separate ticket, either in printed ballot form as prescribed by sections 13 and 14 of this chapter, or on separate **ballot cards or** ballot labels.

(b) **Except as provided in subsection (c),** the name of each candidate who has qualified under IC 3-8 shall be placed on the ballot under a designation of the office for which the person is a candidate. ~~However,~~

(c) **This subsection applies to a punch card ballot and expires December 31, 2005. The name of each candidate who has qualified under IC 3-8 shall be placed on the ballot and indicated by reference to a number printed on the punch card.**

(d) The name of a candidate may not appear on the ballot of more than one (1) party for the same office.

SECTION 5. IC 3-10-1-17, AS AMENDED BY P.L.176-1999, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Political parties may be distinguished in a primary election by the use of different color **paper ballots, ballot cards, or** ballot labels. The party name shall be placed before the list of candidates of the party.

SECTION 6. IC 3-10-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person make a voting mark (X or ✓) on or in the box before the person's name in the proper column. **For punch card ballots, print: To vote for a person, punch through the chad before the number assigned to the person's name in the proper column. For optical scan ballots, print: To vote for a**

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person, shade in the oval (or draw a line to connect the arrow) that precedes the person's name in the proper column. For electronic voting systems, print: To vote for a person touch the screen (or press the button) in the spot indicated.

Vote for one only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-10.5-4-2.

(E) Prosecuting attorney.

(F) Clerk of the circuit court.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

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(5) Township offices:

- (A) Township assessor.
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.

(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

- (1) Precinct committeeman.
- (2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

- (1) School board offices to be elected at the primary election.
- (2) Other local offices to be elected at the primary election.
- (3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) **after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; ~~voting system~~, or**

(3) either:

- (A) on a separate screen for each office or public question;**
- or**
- (B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;**

if voting is by an electronic voting system; or

- (4) in a separate column of ballot labels if voting is by voting machine.**

(f) A public question shall be placed on the primary election ballot in the following form:

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(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 7. IC 3-10-1-19.7 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.7. The ballot for
a primary election is not required to contain the information set forth
under IC 3-11-2-10, **IC 3-11-13-11, or IC 3-11-14-3.5** concerning:

(1) write-in voting; or

(2) independent candidates or tickets;

except when an office for which write-in candidates or independent
candidates or tickets are permitted is elected at the same time as the
primary election.

SECTION 8. IC 3-10-1-26 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) **This
section applies only to paper ballots.**

(b) After marking a paper ballot a voter shall fold each ballot
separately in a manner that its face will be concealed and the initials of
the poll clerks or assistant poll clerks seen.

~~(b)~~ (c) After leaving the booth, a voter shall return the pencil to a
poll clerk or assistant poll clerk and display the initials on each ballot
to the inspector.

~~(c)~~ (d) If a voter offers to vote a ballot folded so that it does not
disclose the initials of the poll clerks or assistant poll clerks while also
not disclosing the face of the ballot, the precinct election board shall
direct the voter to return to the booth and fold the ballot properly.

~~(d)~~ (e) After properly displaying the initials on the ballot, the voter
then shall:

(1) deposit the ballot in the ballot box; or

(2) at the voter's option return the ballot to the inspector, who
shall deposit it in the ballot box.

~~(e)~~ (f) The poll clerk or assistant poll clerk shall then place a voting
mark opposite the voter's name on the poll list. The voter then shall
leave the polls.

SECTION 9. IC 3-10-4-1 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The names of the
candidates of:

(1) a political party;

(2) a group of petitioners under IC 3-8-6; or

(3) a write-in candidate for the office of President or Vice
President of the United States under ~~IC 3-8-2-1.5~~; **IC 3-8-2-2.5**;

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for electors of President and Vice President of the United States may not be placed on the ballot.

(b) The names of the nominees for President and Vice President of the United States of each political party or group of petitioners shall be placed:

(1) in one (1) column on the ballot if paper ballots ~~or a ballot card~~ voting system is are used;

(2) on one (1) ballot label in one (1) column or row if voting machines are used; ~~or~~

(3) in a separate column on the ballot label either:

(A) grouped together on a separate screen; or

(B) grouped together below the names of the offices as specified in IC 3-11-14-3.5;

if an electronic voting system is used; or

(4) grouped together below the names of the offices as specified in IC 3-11-13-11 if a ballot card is used.

(c) The name of each write-in candidate for the office of President or Vice President of the United States shall be placed as provided under IC 3-11-2-6.

SECTION 10. IC 3-10-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) ~~If This section applies when~~ paper ballots ~~or a ballot card~~ voting system is are used.

(b) A single square shall be printed in front of a bracket enclosing the names of the nominees for President and Vice President of the United States on the left margin of each separate column of the ballot, immediately opposite the names of the nominees.

~~(b)~~ (c) The device named and list of nominees of the political party whose nominee received the highest number of votes in that county for secretary of state at the last election shall be placed in the first column on the left side of the ballot if paper ballots or a ballot card voting system is used or, if voting machines or an electronic voting system is used, in the first column or row. The political party whose nominee received the second highest number of votes in that county for secretary of state at the last election shall be placed in the second column or row. Other political parties shall be placed on the ballot in the same order.

~~(c)~~ (d) If a political party or an independent ticket did not have a candidate for secretary of state in the last election, the party or ticket shall be placed on the ballot after the parties described in subsection ~~(b)~~: (c). If more than one (1) political party or independent ticket that has qualified to be on the ballot did not have a candidate for secretary

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of state in the last election, each party or independent ticket shall be listed on the ballot in the order in which the party or independent ticket filed a petition of nomination under IC 3-8-6-12.

SECTION 11. IC 3-10-4-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. (a) This section applies when a ballot card is used.**

(b) A single connectable arrow, oval, or square must be printed:

(1) in front of a bracket enclosing; and

(2) immediately opposite;

the names of the nominees for President and Vice President of the United States for each political party or group of petitioners grouped as described in section 1(b)(4) of this chapter.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-13-11.

SECTION 12. IC 3-10-4-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (a) This section applies when an electronic voting system is used.**

(b) A single touch sensitive point or button place must be provided:

(1) in front of a bracket printed on the ballot label enclosing; and

(2) immediately opposite;

the names of the nominees for President and Vice President of the United States for each political party or group of petitioners grouped as described in section 1(b)(3) of this chapter.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-14-3.5.

SECTION 13. IC 3-10-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 32. (a) A town election board shall determine what voting method will be used in a municipal election.**

(b) The town election board and its precinct election officers shall perform the duties of the county election board and its precinct election officers under IC 3-11 for each voting method used.

(c) The town election board shall prepare the ballots in the form prescribed by ~~IC 3-11-2~~ IC 3-11 and distribute them to the precincts in the town.

(d) This subsection applies only to paper ballots. Notwithstanding

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subsubsection (c), the town election board, by unanimous consent of the board's entire membership, may authorize the printing or reproduction of ballots on equipment under the control of the town clerk-treasurer. If the town election board acts under this subsection, the ballots are not required to conform to the precise dimensions concerning the size of political party devices under IC 3-11-2-9 or the placement of a candidate's name under IC 3-11-2-10(e). However, the ballots must otherwise substantially conform with IC 3-11-2.

SECTION 14. IC 3-11-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) This chapter applies only to paper ballots.**

(b) This chapter does not apply to:

- (1) an electronic voting system; or**
- (2) an optical scan voting system.**

SECTION 15. IC 3-11-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The name or title of the political party or independent ticket shall be placed at the top of the ballot. The device of the political party or independent candidate shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device. ~~or if the ballot is part of a direct recording electronic voting system:~~

- ~~(1) the instructions for voting a straight party ticket; and~~
- ~~(2) the statement concerning presidential electors required under IC 3-10-4-3;~~

~~may be posted in any location within the voting booth that permits the voter to easily read the instructions instead of on the ballot face:~~

(b) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot. If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(c) If the ballot contains an independent ticket and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

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(d) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(e) Except for variations in ballot arrangement permitted for voting machines under IC 3-11-12-7, ~~ballot card voting systems under IC 3-11-13-11, or electronic voting systems under IC 3-11-14-7~~, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(f) The election division or the circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 16. IC 3-11-2-12.9, AS ADDED BY P.L.83-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in section 12 of this chapter.

(b) School board offices shall be placed in a separate column on the ballot ~~or ballot label if voting is by paper ballot; ballot card voting system; or electronic voting system~~ or in a separate column of ballot labels if voting is by voting machine.

(c) ~~This subsection applies to voting done by paper ballot or a ballot card voting system.~~ If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

SECTION 17. IC 3-11-2-13, AS AMENDED BY P.L.83-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The following offices and public questions shall be placed on the general election ballot in the following order after the offices described in section 12.9 of this chapter:

- (1) Retention of a justice of the supreme court.
- (2) Retention of a judge of the court of appeals.
- (3) Retention of the judge of the tax court.
- (4) Ratification of a state constitutional amendment.

(b) Whenever more than one (1) justice of the supreme court is subject to retention, the name of each justice must appear on the ballot

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in alphabetical order. However, if the justice serving as chief justice is subject to retention, the chief justice's name must appear first.

(c) Whenever more than one (1) judge of the court of appeals is subject to retention, the name of each judge must appear on the ballot in alphabetical order. However, if the judge serving as chief judge is subject to retention, the chief judge's name must appear first.

(d) These offices and public questions shall be placed in a separate column on the ballot ~~or ballot label if voting is by paper ballot, ballot card voting system, or electronic voting system~~ or in a separate column of ballot labels if voting is by voting machine.

SECTION 18. IC 3-11-2-14, AS AMENDED BY P.L.83-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The following offices and public questions shall be placed on the general election ballot in the following order after the offices and public questions described in section 13 of this chapter:

(1) Retention of a local judge.

(2) Local nonpartisan judicial offices.

(3) Local public questions.

(b) These offices and public questions shall be placed in a separate column on the ballot ~~or ballot label if voting is by paper ballot, ballot card voting system, or electronic voting system~~ or in a separate column of ballot labels if voting is by voting machine.

(c) If the ballot contains a candidate for a local nonpartisan judicial office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

(d) If more than one (1) local public question concerning the retention of a local judge is to be placed on a ballot, the public questions shall be placed on the ballot:

(1) in alphabetical order according to the surname of the local judge; and

(2) identifying the court (including division or room) in which the judge serves.

SECTION 19. IC 3-11-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** Political parties may be distinguished in a primary election by the use of different colored ballot labels.

(b) The party device for a political party that has been adopted in accordance with IC 3-8 and the party name or other designation shall be prefixed to the list of candidates of the party.

(c) Each county election board shall have the names of all

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1 candidates for all elected offices, political party offices, and public
2 questions printed on ballot labels for use on a voting machine as
3 provided in this chapter.

4 (d) The county may include a ballot variation code to ensure
5 that the proper version of a ballot label is used within a precinct.

6 (e) Each type of ballot label or paster must be of uniform size
7 and of the same quality and color of paper (except as permitted
8 under IC 3-10-1-17).

9 (f) The nominees of a political party or an independent
10 candidate or ticket nominated by petitioners shall be listed on the
11 ballot label with the name and device set forth on the certification
12 or petition. The circle containing the device may be of any size that
13 permits a voter to readily identify the device. IC 3-11-2-5 applies
14 if the certification or petition does not include a name or device, or
15 if the same device is selected by two (2) or more parties or
16 petitioners.

17 (g) The ballot labels must list the offices on the general election
18 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,
19 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
20 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
21 IC 3-11-2-14(d). Except as otherwise provided in this chapter, the
22 offices and public questions may be listed in a continuous column,
23 either vertically or horizontally. However, school board offices,
24 public questions concerning the retention of a justice or judge,
25 local nonpartisan judicial offices, and local public questions must
26 be placed in separate columns.

27 (h) The name of each office must be printed in a uniform size in
28 bold type. A statement reading substantially as follows must be
29 placed immediately below the name of the office and above the
30 name of the first candidate: "Vote for not more than (insert the
31 number of candidates to be elected) candidate(s) for this office.".

32 (i) Below the name of the office and the statement required by
33 subsection (h), the names of the candidates for each office must be
34 grouped together in the following order:

35 (1) The major political party whose candidate received the
36 highest number of votes in the county for secretary of state at
37 the last election is listed first.

38 (2) The major political party whose candidate received the
39 second highest number of votes in the county for secretary of
40 state is listed second.

41 (3) All other political parties listed in the order that the
42 parties' candidates for secretary of state finished in the last

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election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or ticket, the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) The name of a write-in candidate may not be listed on the ballot label.

(j) The names of the candidates grouped in the order established by subsection (i) must be printed in type with uniform capital letters, with a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(k) All the candidates of the same political party or independent ticket for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (i); and

(3) within the political party or independent ticket, in alphabetical order according to surname; and

a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party or ticket for this office.".

(l) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname; and

a statement reading substantially as follows must be placed

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1 immediately below the name of the office and above the name of
 2 the first candidate: "Vote for not more than (insert the number of
 3 candidates to be elected) candidate(s) for this office.".

4 (m) The cautionary statement described in IC 3-11-2-7 must be
 5 placed at the top or beginning of the ballot label before the first
 6 office is listed.

7 (n) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),
 8 and IC 3-11-2-10(d) may be:

9 (1) placed on the ballot label; or

10 (2) posted in a location within the voting booth that permits
 11 the voter to easily read the instructions.

12 (o) The voting machine must include a lever for voting a straight
 13 party or an independent ticket, and the lever must be identified by:

14 (1) the name of the political party or independent ticket; and

15 (2) immediately below or beside the political party's or
 16 independent ticket's name, the device of that party or ticket
 17 (described in IC 3-11-2-5).

18 The name and device of each political party or independent ticket
 19 must be of uniform size and type and arranged in the order
 20 established by subsection (i) for listing candidates under each
 21 office. The instructions described in IC 3-11-2-10(b) for voting a
 22 straight party ticket and the statement concerning presidential
 23 electors required under IC 3-10-4-3 may be placed on the ballot
 24 label or in a location that permits the voter to easily read the
 25 instructions.

26 (p) A public question must be in the form described in
 27 IC 3-11-2-15(a) and IC 3-11-2-15(b). Except as expressly
 28 authorized or required by statute, a county election board may not
 29 print a ballot label that contains language concerning the public
 30 question other than the language authorized by a statute.

31 (q) The requirements in this section:

32 (1) do not replace; and

33 (2) are in addition to;

34 any other requirements in this title that apply to ballots for voting
 35 machines.

36 (r) The procedure described in IC 3-11-2-16 must be used when
 37 a ballot label does not comply with the requirements imposed by
 38 this title or contains another error or omission that might result in
 39 confusion or mistakes by voters.

40 SECTION 20. IC 3-11-13-11 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot
 42 information, whether placed on the ballot card or on the marking

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device, ~~should as far as practicable~~ **must** be in the order of arrangement provided for ballots under ~~IC 3-11-2~~. However, the ballot information may be in vertical or horizontal rows or in a number of separate pages. Ballot cards for all public questions must be provided in the same manner and must be arranged on or in the marking device in the places provided for that purpose: **this section.**

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size, of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or ticket nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions must be placed at the beginning of separate columns.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

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(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed third after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or ticket, the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5).

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters, with a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party or independent ticket for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party or independent ticket, in

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1 alphabetical order according to surname; and
 2 a statement reading substantially as follows must be placed
 3 immediately below the name of the office and above the name of
 4 the first candidate: "Vote for not more than (insert the number of
 5 candidates to be elected) candidate(s) of ANY party or ticket for
 6 this office.".

7 (j) Candidates for election to at-large seats on the governing
 8 body of a school corporation must be grouped:

9 (1) under the name of the office that the candidates are
 10 seeking; and

11 (2) in alphabetical order according to surname; and
 12 a statement reading substantially as follows must be placed
 13 immediately below the name of the office and above the name of
 14 the first candidate: "Vote for not more than (insert the number of
 15 candidates to be elected) candidate(s) for this office.".

16 (k) The following information must be placed at the top of the
 17 ballot before the first office is listed:

18 (1) The cautionary statement described in IC 3-11-2-7.

19 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),
 20 and IC 3-11-2-10(d).

21 (l) The ballot must include a single connectable arrow, oval, or
 22 square, or a voting position for voting a straight party or an
 23 independent ticket by one (1) mark as required by section 14 of this
 24 chapter, and the single connectable arrow, oval, or square, or the
 25 voting position for casting a straight party or an independent ticket
 26 ballot must be identified by:

27 (1) the name of the political party or independent ticket; and

28 (2) immediately below or beside the political party's or
 29 independent ticket's name, the device of that party or ticket
 30 (described in IC 3-11-2-5).

31 The name and device of each political party or independent ticket
 32 must be of uniform size and type and arranged in the order
 33 established by subsection (g) for listing candidates under each
 34 office. The instructions described in IC 3-11-2-10(b) for voting a
 35 straight party ticket and the statement concerning presidential
 36 electors required under IC 3-10-4-3 may be placed on the ballot
 37 beside or above the names and devices within the voting booth in
 38 a location that permits the voter to easily read the instructions.

39 (m) A public question must be in the form described in
 40 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single
 41 connectable arrow or an oval may be used instead of a square.
 42 Except as expressly authorized or required by statute, a county

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election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 21. IC 3-11-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The county election board shall furnish ballot labels **prepared as required by section 3.5 of this chapter.**

(b) The **county election** board shall have ~~them~~ the ballot labels printed:

(1) in black ink on clear white material;

(2) in the size that will fit on an electronic system; and

(3) in plain, clear type as space will reasonably permit.

SECTION 22. IC 3-11-14-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) **Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.**

(b) The county may:

(1) print all offices and questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or ticket nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

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(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate columns or pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed third after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or ticket, the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5).

(7) The name of a write-in candidate may not be listed on the ballot.

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(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters, with a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party or independent ticket for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party or independent ticket, in alphabetical order according to surname; and

a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party or ticket for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname; and

a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

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(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5) .

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 23. IC 3-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Each county election board shall, before election day, have the proper ballot labels prepared as required by section 3.5 of this chapter and put on each electronic voting system. with the device named and the list of candidates of each political party or independent candidate or ticket in the same order as on the sample ballot.

SECTION 24. IC 3-11-14-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. In school district elections, the county election board shall arrange the names of

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1 candidates in alphabetical order on an electronic voting system in such
 2 a way that the name of each candidate appears in the same column of
 3 each system used in each precinct as required by section 3.5 of this
 4 chapter.

5 SECTION 25. IC 3-12-1-9.5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This
 7 section applies to counting votes cast on ballot cards.

8 ~~(b)~~ As used in this section, "chad" means the part of a ballot card
 9 that indicates a vote on the card when entirely punched out by the
 10 voter.

11 ~~(c)~~ (b) A chad that has been pierced, but not entirely punched out of
 12 the card, shall be counted as a vote for the indicated candidate or for
 13 the indicated response to a public question.

14 ~~(d)~~ (c) A chad that has been indented, but not in any way separated
 15 from the remainder of the card, may not be counted as a vote for a
 16 candidate or on a public question.

17 ~~(e)~~ (d) Whenever:

18 (1) a ballot card contains a numbered box indicating which chad
 19 should be punched out by the voter to cast a vote for a candidate
 20 or on a public question;

21 (2) the indicated chad has not been punched out; and

22 (3) a hole has been made in the card that touches any part of the
 23 numbered box;

24 the hole shall be counted as a vote for the candidate or on the public
 25 question as if the indicated chad had been punched out. However, if a
 26 hole has been made in the ballot that does not touch a numbered box
 27 or punch out a chad, the hole may not be counted as a vote for a
 28 candidate or on a public question.

29 ~~(f)~~ (e) Whenever:

30 (1) a chad has been punched out of a ballot card;

31 (2) a numbered box indicates that another chad may be punched
 32 out to cast a vote for:

33 (A) a different candidate for the same office as the candidate
 34 for whom a vote was cast under subdivision (1); or

35 (B) a different response to the same public question on which
 36 a vote was cast under subdivision (1); and

37 (3) a hole has been punched in the card that touches the numbered
 38 box described in subdivision (2);

39 neither the chad described in subdivision (1) nor the hole described in
 40 subdivision (3) may be counted as a vote for a candidate or on a public
 41 question.

42 ~~(g)~~ (f) This subsection applies to a ballot card that:

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- (1) has been cast in a precinct whose votes are being recounted by a local recount commission or the state recount commission;
- (2) is damaged or defective so that it cannot properly be counted by automated tabulating machines; and
- (3) cannot be counted for the office subject to the recount due to the damage or defect.

The ballot card shall be remade only if the conditions in subdivisions (1) through (3) exist.

SECTION 26. IC 20-4-1-26.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.4. (a) This section applies to each school corporation, whenever created.

(b) If a plan provides for the election of members of the board of school trustees of the community school corporation at a primary election, at the time provided by IC 3-8-2 for the filing of notice of candidacies for the primary election next following the creation of the community school corporation, nominations for members of the board of school trustees of the community school corporation may be made by a petition signed by the candidates and ten (10) registered voters residing within the boundaries of the community school corporation.

(c) A petition must be filed with the circuit court clerk of the county that contains the greatest percentage of population of the school corporation. If the plan requires residence in a specified district or voting solely in a specified district for a board member office, the petition must clearly state the residence or electoral district from or for which the person is a candidate. If a school corporation is located in more than one (1) county, the circuit court clerk shall, after determining that a petition complies with subsection (b), promptly certify to each circuit court clerk of a county in which the school corporation is located, the names of the candidates to be placed on the ballot.

(d) If a plan provides for an election of members of the board of school trustees at a general election, the filing of notice of candidates must be made in the manner provided for filing at primary elections under this section. The filing must be made within the same period of time before the general election as would have been required before the primary election had the election been held at the latter time.

(e) All nominations shall be listed for each office in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~, IC 3-11, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted. The precinct election boards serving at each primary election in each county shall conduct the election for school board members. If a school corporation is located in more than one (1)

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1 county, each county election board shall print the ballots required for
 2 voters in that county to vote for candidates for members of the board of
 3 school trustees of the school corporation.

4 (f) If the plan provides that the board of school trustees shall be
 5 elected by all the voters of the community school corporation,
 6 candidates shall be placed on the ballot in the form prescribed by
 7 IC 3-10-1-19 or ~~IC 3-11-2~~, **IC 3-11**, without party designation.
 8 Candidates elected shall be those having the greatest number of votes.

9 (g) If the plan provides that members of the board of school trustees
 10 are to be elected from residence districts by all voters in the community
 11 school corporation, nominees for the board of school trustees shall be
 12 placed on the ballot in the form prescribed by IC 3-10-1-19 or
 13 ~~IC 3-11-2~~, **IC 3-11**, by residence districts without party designation.
 14 The ballot must state the number of members to be voted upon and the
 15 maximum number that may be elected from each residence district as
 16 provided in the plan. A ballot is not valid where more than the
 17 maximum number are voted upon from a board member residence
 18 district. Candidates having the greatest number of votes are elected.
 19 However, if more than the maximum number that may be elected from
 20 a residence district are among those having the greatest number of
 21 votes, the lowest of those candidates from the residence districts in
 22 excess of the maximum number shall be eliminated in determining the
 23 candidates who are elected.

24 (h) If the plan provides that members of the board of school trustees
 25 are to be elected from electoral districts solely by the voters of each
 26 district, nominees residing in each electoral district shall be placed on
 27 the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~, **IC 3-11**,
 28 without party designation. The ballot must state the number to be voted
 29 on from the electoral district. Candidates residing in the electoral
 30 district having the greatest number of votes are elected.

31 SECTION 27. IC 33-2.1-2-6, AS AMENDED BY P.L.202-1999,
 32 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 6. (a) Justices and judges of the supreme court
 34 and the court of appeals shall be approved or rejected by the electorate
 35 of the state pursuant to Article 7, Section 11 of the Constitution of the
 36 State of Indiana.

37 (b) A justice or judge who wishes to be retained in office shall file
 38 a statement with the secretary of state, not later than noon July 15 of the
 39 year in which the question of retention of the justice or judge is to be
 40 placed on the general election ballot, indicating that the justice or judge
 41 wishes to have the question of the justice's or judge's retention placed
 42 on the ballot. The justice's or judge's statement must include a

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statement of the justice's or judge's name as:

(1) the justice or judge wants the justice's or judge's name to appear on the ballot; and

(2) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(c) This subsection applies to a justice or judge:

(1) who does not file a statement under subsection (b); and

(2) whose term expires under Article 7, Section 11 of the Constitution of the State of Indiana during the year in which the question of the retention of the justice or judge would have been placed on the general election ballot.

The term of a justice or judge expires December 31 of the year in which the question of the justice's or judge's retention would have been placed on the ballot.

(d) This subsection applies to a justice or judge:

(1) who files a statement under subsection (b); and

(2) whose retention is rejected by the electorate.

The term of a justice or judge ends when the secretary of state issues a certificate under IC 3-12-5-1 stating that the justice or judge has been removed. However, if the justice or judge has filed a petition for a recount under IC 3-12-11, the term of the justice or judge does not end until the state recount commission has issued a certificate under IC 3-12-11-18 stating that the electorate has rejected the retention of the justice or judge.

(e) The question of approval or rejection of a justice or judge shall be placed on the general election ballot in the form prescribed by ~~IC 3-11-2~~ **IC 3-11** and must state "Shall Judge or Justice (insert name (as permitted under IC 3-5-7) here) be retained in office?".

(f) The statement filed under subsection (b) must include a statement that the judge or justice requests the name on the judge's or justice's voter registration record be the same as the name the judge or justice uses on the statement. If there is a difference between the name on the judge's or justice's statement and the name on the judge's or justice's voter registration record, the officer with whom the statement is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the judge's or justice's voter registration record to be the same as the name on the judge's or justice's statement.

SECTION 28. IC 33-4-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A judge of the circuit court shall be elected under IC 3-10-2-11 by the voters of

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1 each circuit.

2 (b) In any circuit for which IC 33-4-1 provides more than one (1)
3 judge of the circuit court, the county election board shall assign a
4 number to each seat on the court. After that, any candidate for judge of
5 the circuit court must file a declaration of candidacy under IC 3-8-2 or
6 petition of nomination under IC 3-8-6 for one (1) specified seat of the
7 court. Each seat on the court shall be listed separately on the election
8 ballot in the form prescribed by IC 3-10-1-19 and ~~IC 3-11-2~~; **IC 3-11**.

9 SECTION 29. IC 33-5-5.1-29.1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.1. (a) All
11 candidates for each respective Allen superior court judgeship shall be
12 listed on the general election ballot in the form prescribed by
13 ~~IC 3-11-2~~; **IC 3-11**, without party designation. The candidate receiving
14 the highest number of votes for each judgeship shall be elected to that
15 office.

16 (b) IC 3, except where inconsistent with this chapter, applies to
17 elections held under this chapter.

18 (c) The term of each Allen superior court judge:

19 (1) begins January 1 following election and ends December 31
20 following the election of a successor; and

21 (2) is six (6) years.

22 SECTION 30. IC 33-5-29.5-42 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. (a) The
24 question of the retention in office or rejection of each judge of the
25 following divisions of the superior court of Lake County shall be
26 submitted to the electorate of Lake County at the general election
27 immediately preceding expiration of the term of such judge:

28 (1) Civil division.

29 (2) Criminal division.

30 (3) Juvenile division.

31 (b) At such general election the question of the retention in office
32 or rejection of a judge described in subsection (a) shall be submitted to
33 the electorate of Lake County in the form prescribed by ~~IC 3-11-2~~
34 **IC 3-11** and must state "Shall Judge (insert name) of the superior court
35 of Lake County be retained in office for an additional term?".

36 (c) If that a majority of the ballots cast by the electors voting on any
37 such question shall be "Yes", the judge whose name appeared on such
38 question shall be approved for a six (6) year term commencing on
39 January 1 following the general election as provided in section 41(b)
40 of this chapter.

41 (d) If that a majority of the ballots cast by the electors voting on any
42 such question shall be "No", the judge whose name appeared on such

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question shall be rejected. The office of the rejected judge shall be vacant on January 1 following the rejection. The vacancy shall be filled by appointment by the governor pursuant to section 39 of this chapter.

(e) The Lake County election board shall submit the question of the retention in office or rejection of a judge described in subsection (a) to the electorate of Lake County. The submission of the question is subject to the provisions of IC 3 that are not inconsistent with this chapter.

(f) If a judge who is appointed does not desire to serve any further term, the judge shall notify in writing the clerk of the Lake circuit court at least sixty (60) days prior to any such general election, in which case the question of that judge's retention in office or rejection shall not be submitted to the electorate, and the office shall become vacant at the expiration of the term.

SECTION 31. IC 33-5-40-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 47. (a) The question of the retention in office or rejection of each judge of the St. Joseph superior court shall be submitted to the electorate of St. Joseph County at the general election immediately preceding expiration of the term of that judge.

(b) In the event that any judge subject to this chapter does not desire to serve a further term, the judge shall so notify in writing the clerk of the St. Joseph circuit court at least sixty (60) days prior to the general election immediately preceding expiration of the judge's term in which case the question of the judge's retention in office or rejection shall not be submitted to the electorate and the office shall be vacant at the expiration of the term.

(c) The St. Joseph County election board shall submit the question of the retention in office or rejection of any judge to the electorate of St. Joseph County. The submission of this question shall be subject to the provisions of IC 3 that are not inconsistent with this chapter.

(d) At the general election the question of the retention in office or rejection of a judge shall be submitted to the electorate of St. Joseph County in the form prescribed by ~~IC 3-11-2~~ **IC 3-11** and must state "Shall Judge (insert name) of the St. Joseph superior court be retained in office for an additional term?".

(e) In the event that a majority of the ballots cast by the electors voting on any such question shall be "No", the judge whose name appeared on such question shall be rejected. The office of the rejected judge shall be vacant on January 1 following the rejection. The vacancy shall be filled by appointment of the governor pursuant to section 44 of this chapter. The name of the rejected judge shall not be included

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among those submitted to the governor. However, the judge's rejection shall not disqualify a rejected judge from being considered for another judicial office then vacant or thereafter becoming vacant.

SECTION 32. IC 33-5-43.2-1, AS AMENDED BY P.L.176-1999, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan elections every six (6) years.

(b) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one of the eight (8) judgeships affected by this chapter shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designating on the declaration which judgeship the candidate seeks. Any petition without such designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

- (1) domiciled in the county of Vanderburgh;
- (2) a citizen of the United States; and
- (3) admitted to the practice of law in this state.

(c) If an individual who files a declaration under subsection (b) ceases to be a candidate after the final date for filing a declaration under subsection (b), the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

(d) All candidates for each respective judgeship shall be listed on the general election ballot in the form prescribed by ~~IC 3-11-2~~, **IC 3-11**, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(e) IC 3, where not inconsistent with the provisions of this chapter, applies to elections under this chapter.

SECTION 33. IC 33-5.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Each judge of the court shall be elected for a term of six (6) years, that shall commence January 1 after the year of the judge's election and continue through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified. A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) At the primary election a political party may nominate

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1 candidates for judge of the court as follows:

2 (1) ~~Beginning with~~ **At** the primary election held in ~~1996~~ **2008** and
 3 every six (6) years thereafter, a political party may nominate not
 4 more than eight (8) candidates for judge of the court.

5 (2) ~~Beginning with~~ **At** the primary election held in ~~2000~~ **2006** and
 6 every six (6) years thereafter, a political party may nominate not
 7 more than nine (9) candidates for judge of the court.

8 The candidates shall be voted on at the general election. Other
 9 candidates may qualify under IC 3-8-6 to be voted on at the general
 10 election.

11 (c) The names of the party candidates nominated and properly
 12 certified to the Marion County election board, along with the names of
 13 other candidates who have qualified, shall be placed on the ballot at the
 14 general election in the form prescribed by ~~IC 3-11-2~~ **IC 3-11**. All
 15 persons eligible to vote at the general election may vote for candidates
 16 for judge of the court as follows:

17 (1) ~~Beginning with~~ **At** the ~~1996~~ **2008** general election and every
 18 six (6) years thereafter, for fifteen (15) candidates for judge of the
 19 court.

20 (2) ~~Beginning with~~ **At** the ~~2000~~ **2006** general election and every
 21 six (6) years thereafter, for seventeen (17) candidates for judge of
 22 the court.

23 (d) The candidates for judge of the court receiving the highest
 24 number of votes shall be elected to the vacancies. The names of the
 25 candidates elected as judges of the court shall be certified to the county
 26 election board as provided by law.

27 SECTION 34. IC 33-10.5-4-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The number
 29 of county court judges required by IC 33-10.5-1 shall be elected under
 30 IC 3-10-2-11 by the voters of each county or by the voters of two (2)
 31 counties if a judge is required to serve two (2) counties. The term of
 32 office of a county court judge is six (6) years, beginning on January 1
 33 after election and continuing until a successor is elected and qualified.

34 (b) In any county for which IC 33-10.5-1 provides more than one (1)
 35 judge of the county court, the county election board shall assign a
 36 number to each division of the court. After that, any candidate for judge
 37 of the county court must file a declaration of candidacy under IC 3-8-2
 38 or petition of nomination under IC 3-8-6 for one (1) specified division
 39 of the court. Each division of the court shall be listed separately on the
 40 election ballot in the form prescribed by IC 3-10-1-19 and ~~IC 3-11-2~~.
 41 **IC 3-11.**

42 SECTION 35. **An emergency is declared for this act.**



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